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NEWS RELEASE ON RM-7649

March 31, 1991

Recently, the FCC rejected a petition by the ARRL to revise the rules on responsibility for content of automatically controlled third party traffic. The ARRL's proposal would have put responsibility for the content of such traffic on the originating Amateur station. Tom Blackwell, N5GAR, and Joe Jarrett, K5FOG, have submitted a new Petition for Rule Making, with a different approach. We seek to to amend Section 97.205, adding paragraph "g" as follows:

> 97.205 (g) Where transmissions to the input frequency of a repeater are prohibited by these Rules, and the repeater retransmits a prohibited transmission, the originator of the prohibited transmission has the primary responsibility for the retransmission, and the licensee of the repeater has a secondary responsibility.

Reasons:

A repeater trustee or control operator has no idea what content is going to be transmitted until it is, in fact, transmitted. "You don't know what I'm going to say until I say it."

Let us put into plain English, in a precise manner, what common sense dictates. No jury hearing a case against a repeater trustee would decide otherwise. Let's make the rules a little more practical, and a little less vague.

There are repeater trustees who are nervous, and go overboard about their perceived responsibility to enforce the Rules, and seek to "control" the content of what is transmitted by other licensees on the input frequencies of their repeaters. Some trustees have been wrong about their interpretation of these Rules. Repeaters have been turned off, and long term controversies started, because of a trustee's incorrect perception of the FCC Rules.

The new paragraph "g" does not eliminate a trustee's responsibility for insuring the proper operation of his repeater. It is intended to protect him from blame for those instantaneous operations over which he has no effective control.

The form of the proposed Rule has been influenced by the form of Section 97.205 (c).

As amateur licensees who use repeaters regularly, we feel this change will be beneficial to the amateur service.

OUR PETITION FOR RULE MAKING HAS BEEN ENDORSED BY AMATEUR GROUPS AND INDIVIDUALS, including the TEXAS VHF-FM SOCIETY, at its Winter meeting in Midland.

The AMATEUR RADIO NEWS SERVICE (formerly WestLink), Bill Pasternak, Editor, has endorsed the Petition, with the following commentary:

> The FCC has accepted a request for Rule Making that seeks to solve the problem of just who is responsible for the content of a message relayed automatically by amateur radio. Authored by Tom Blackwell, N5GAR of Dallas, Texas, RM-7649, seeks to determine the amount of responsibility the originating station must accept while limiting the responsibility of the station providing the relay service. Under the N5GAR proposal, the licensee of any repeating station, be it analog or digital, would be liable only as a secondary entity. If there was a reasonable way to intercept an illegal transmission it would still be his responsibility to do so. But in the case of voice repeaters, where the relay function is instantaneous, and in packet forwarding where things are automated, the relay operator would not be forced to try to censor improprieties on a real time basis. N5GAR asks all hams, and especially repeater owners, frequency coordinators, and packet BBS sysops, to write to the FCC in support of RM-7649 before the April 5th commentary cut-off date. We at NewsLine urge you to support RM-7649, and file your comments, as well.

We have also received the following:

> Secretary, FCC
> Washington, D.C. 20554
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> Re: RM-7649 - Amending the repeater rules
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> Honorable Commissioners:
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> The amateur radio service can benefit our country only if it is permitted to develop new technologies with a minimum of interference. Indeed, amateur radio can be an enormously valuable resource.
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> It's well known that most scientific break-throughs have been made by amateurs. Professionals normally can't afford to spend the time and money it takes to pursue technologies which have only a slight chance at success. Amateurs can. Most fail, but the few which succeed are worth all the failures and more.
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> Radio amateurs developed most of our present communications modes. Jack Babkes W2GDG developed and pioneered narrow band FM back in 1946. That's the primary communications mode for mobile VHF and UHF today. I was one of his helpers in this project.
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> The first practical single sideband communications system was developed and pioneered by an amateur... as was slow-scan TV (Copthorne McDonald). W8JK invented the helical antenna. W1FZJ invented the practical parametric amplifier (on 6M) and I published the first articles on this discovery.
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> Today's cellular telephones would be unlikely if the technology hadn't been developed by amateurs in Chicago. I published the circuits for this system almost 20 years ago. Amateurs were the driving force which got micro-computers going. Today amateurs are developing packet communications systems. They need all the latitude possible to develop and pioneer this new communications system.

When the FCC formed the Long Range Planning Committee (LRPC), this group quickly discovered that the only dependable emergency communications system we have in America is amateur radio. Since the high speed automatic relaying feature of packet radio is a key element in building emergency networks, the current FCC position of blocking this development is harmful to both the development of packet technology and to the long range interests of America. I was a member of the LRPC from its founding.

The rule change proposed in RM-7649 provides a simple solution to the problem which the FCC has caused. I recommend it be accepted until even